

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

TERESA GUIDRY,

Plaintiff,

v.

Case No: 2:21-cv-96-SPC-MCR

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

OPINION AND ORDER¹

Before the Court is the Commissioner's Unopposed Motion for Entry of Judgment with Remand. ([Doc. 32](#)). The Commissioner believes that remand is appropriate for the following:

[T]he Administrative Law Judge (ALJ) should: 1) obtain supplemental evidence from a vocational expert and resolve any inconsistencies between the vocational evidence and the Dictionary of Occupational Titles, pursuant to Social Security Rule 00-4p; (2) offer Plaintiff the opportunity for a hearing; (3) take any other action necessary to complete the administrative record; and (4) issue a new decision.

([Doc. 32 at 1](#)). Plaintiff does not oppose the Motion.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Under 42 U.S.C. § 405(g), the Court has the power to enter judgment, reversing and remanding a social security case for rehearing. *See also Shalala v. Schaefer*, 509 U.S. 292, 296-98 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 101-02 (1991). Given the parties' representations and agreement on the matter, the Court grants the Motion, reverses, and remands for further proceedings. *See Morgan v. Astrue*, No. 2:11-cv-615-FtM-29SPC, 2012 WL 695840, at *1 (M.D. Fla. Mar. 1, 2012).

Accordingly, it is now

ORDERED:

- (1) The Commissioner's Unopposed Motion for Entry of Judgment with Remand. (Doc. 32) is **GRANTED**.
- (2) The decision denying benefits is **REVERSED** and this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.
- (3) If Plaintiff prevails on remand, Plaintiff must comply with the Court's November 14, 2012, standing order in Miscellaneous Case No. 6:12-mc-124-Orl-22.
- (4) The Clerk is **DIRECTED** to enter judgment, terminate all deadlines, deny all pending motions as moot, and close the file.

DONE and **ORDERED** in Fort Myers, Florida on October 25, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record